

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13456 of Robert S. Soluri, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-Section 3304.1) to construct a rear addition to a dwelling in an R-1-B District at the premises 5931 31st Place, N.W., (Square 2330, Lot 24).

HEARING DATE: April 8, 1981

DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located on the east side of 31st Place at its intersection with Quesada Street, in an R-1-B zone District at premises known as 5931 31st Place, N.W.

2. The site is presently improved with a two story brick and frame detached dwelling unit.

3. The subject lot is a corner lot that faces onto both 31st Place and Quesada Street. The actual front door of the structure faces 31st Street, but for zoning computation purposes the front of the house faces Quesada Street.

4. The applicants wish to construct an approximately twelve by twenty-three foot addition, two stories in height, on the 31st Place portion of the existing structure.

5. The applicants comply with the lot width, side yard and lot occupancy requirements of the R-1-B zone District. The property is however, 4,777 square feet in area, and is therefore deficient as to minimum lot area.

6. The subject lot is ninety-one feet wide along 31st Place, and approximately fifty three feet deep along Quesada Street. There are fifteen foot building restriction lines along both streets.

7. With the construction of the proposed rear yard addition, the applicant will provide a 19.98 foot rear yard. Sub-section 3304.1 of the Zoning Regulations requires a twenty-five foot minimum rear yard. Thus, a variance of 5.02 feet or twenty percent is required.

8. The applicant testified that given the existence of the two building restriction lines, there is no other practical direction in which to expand.

9. With the construction of the proposed addition, there will still be approximately seventy three and one half feet between the rear wall of the subject site and the rear wall of the only other abutting property on 31st Place. This property owner, by letter dated March 12, 1981 offered support of the application on the grounds that a review of the applicant's proposed plans show that they are tastefully done, and that the addition will in no way intrude on the use of the neighbor's own space. The Board agrees.

10. Advisory Neighborhood Commission 3G by letter dated March 24, 1981, offered support for the application, provided no significant opposition is raised by neighbors.

11. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty inherent in the property which restricts the applicant's use of such property in strict compliance with the Zoning Regulations. The Board concludes that the two building restriction set backs, as well as the deficiency of lot area creates such a practical difficulty. The lot is comparable in size to the adjoining and surrounding lots, but cannot be used in the same way because of the cited conditions. The Board further concludes that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is hereby GRANTED.

Vote: 5-0(Charles R. Norris, Ruby B. McZier, Douglas J. Patton and Connie Fortune to grant; William F. McIntosh to grant by proxy)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.